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REMARKS

After entry of the amendments made herein , claims 1 – 6, 8 –15, 17- 22, 25 – 29 and 31 – 33 and 35-38 are pending in the application. Claims 1, 27 and 38 are herein amended. Claims 7, 16, 23, 24, 29, 30, and 34 have been cancelled. No new claims have been added. No new matter has been added by virtue of the amendments or new claims, support being found throughout the specification and from the claims as filed. Specifically, support for the amendments to claims 1 and 38 and the new claim 39 can be found in the specification on page 8, lines 30 – 37 and on page 9, at line 7.

Any cancellation of the claims should in no way be construed as acquiescence to any of the Examiner's rejections and was done solely to expedite the prosecution of the application. Applicant reserves the right to pursue the claims as originally filed in this or a separate application(s).

Claim Rejections**35 U.S.C. § 112, second paragraph**

Claims 1 – 6, 8 – 15, 17 – 22, 25 – 28, 31 – 33, and 35 - 38 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse the rejection.

The Examiner argues that “with regard to all of the instant claims, claim 1 (from which claims 2 – 6, 8 – 15, 17 – 22, 25 – 28 31 – 33 and 35 – 37 depend) and 38 recite ‘highly focused’ in reference to the electric field. However the term ‘highly focused’ is a relative term without precise meaning in the art.” (Office Action, p.2). Applicants disagree.

Although in no way acquiescing to the validity of the rejection, and solely in the interest of advancing prosecution and allowance of the claims, Applicants have amended the claims to replace the term “highly focused” with alternate language as set forth in the specification.

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Accordingly, although Applicants believe the term "highly focused" to be clearly defined, Applicants have replaced "highly focused" with the distance of 0 – 100 μm . Applicants teach positioning of the microelectrodes for cell fusion using single open-bore capillaries, and specifically positioning of the capillary tip using micromanipulators where "preferably the outer dimension of the electrodes positioned closest to the fusion partners is from a few nanometers to **100 micrometers**." (see page 9, line 5 – 8, emphasis added). Furthermore, page 14, lines 23-28 state:

An advantage of this set-up is that the electrodes are of cellular to subcellular dimensions, enabling fusion of single cells in complex cellular networks grown on a substratum. **At the same time, the highly focused electric field minimizes the risk for unwanted fusion or electroporation of surrounding cells.** [Emphasis Added]

Applicants direct the Examiner to page 8 of the specification, which recites that:

The electrical field used in step B to obtain fusion should be highly focused in order to avoid affecting any surrounding structures...To focus the electrical field it is preferable to provide the electrical field by use of one or two microelectrodes positioned close to the two fusion partners, i.e. 0 – 10 μm .

Accordingly, Applicants have pointed to specific passages and Examples in the disclosure where this language finds support. Moreover, Applicants have amended the claims to indicate a distance for positioning, clearly shown to be effective according to the methods as claimed.

Regarding claim 27, the Examiner argues that "the phrase 'a well defined volume of substance' relies upon a relative quantity...and the metes and bounds of the claim are unclear." Applicants respectfully disagree.

Although in no way acquiescing to the validity of the rejection, and solely in the interest of advancing prosecution and allowance of the claims, Applicants have cancelled claim 27, thereby rendering the rejection moot.

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Accordingly, Applicants respectfully request withdrawal of the foregoing rejections and allowance of the claims.

CONCLUSION

In view of the above amendment and remarks, Applicants believe the pending application is in condition for allowance.

A one month extension of time is requested.

Should the Examiner wish to discuss any of the amendments and/or remarks made herein, the undersigned attorney would appreciate the opportunity to do so.

The Director is hereby authorized to charge any credits or deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 59760 (47137).

Respectfully submitted,

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